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Clark Co. Dist. Court

**IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF CLARK**

NATHEN BARTON,

Plaintiff
v.

Sopi Financial LLC, Top Healthcare
Solutions LLC, Adroit Health Group, LLC,
and John Doe 1-10

Defendants.

Case No.: 21CS747-6

ORIGINAL COMPLAINT FOR A
CIVIL CASE AND INJUNCTIVE
RELIEF

Jury Trial: ☒ Yes ☐ No

I. THE NATURE OF THE ACTION

Defendant Sopi Financial LLC ("Sopi") is an aggressive telemarketer of discount health insurance plans you have never heard of for Adroit Health Group LLC ("Adroit"). Sopi places the initial calls and Adroit collects the money for Sopi.

They are in violation of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, and Washington State law.

PLAINTIFF'S ORIGINAL COMPLAINT FOR A CIVIL CASE - 1/21
BARTON V SOPI FINANCIAL LLC ET AL

NATHEN BARTON
4618 NW 11TH CIR
CAMAS WA 98607

EXHIBIT 1

1 **II. THE PARTIES TO THIS COMPLAINT**

2 Plaintiff Nathen Barton is a natural person resides at 4618 NW 11th St, Camas,
3 Washington 98607. His contact number for this complaint is (718) 710 - 5784

4 Defendant Adroit Health Group LLC ("Adroit") is a Texas Limited Liability Company.
5 They use the address 1575 Heritage Dr Ste 200, McKinney TX 75069-3388.

6 Adroit may be served with process via Corporation Service Company, 211 E. 7th Street
7 Suite 620, Austin TX 78701, or via Corporation Service Company, 300 Deschutes Way SW STE
8 208 MC-CSC1, Tumwater WA 98501.

9 Adroit is affiliated with Golden Rule Insurance Company¹.

10 Defendant Sopi Financial LLC ("Sopi") is a Florida Limited Liability Company. They
11 use the address 9506 SW 1st Court, Coral Springs, FL 33071.

12 Sopi may be served with process via Flamur Sopi, 9506 SW 1st Court, Coral Springs, FL
13 33071.

14 Sopi is registered with Utah State as an insurance agent, and that page shows that Sopi is
15 affiliated with Golden Rule Insurance Company².

16 Defendant Top Healthcare Solutions LLC ("Top Healthcare"), 600 Fairway Dr suite 108,
17 Deerfield, FL 33441.

18 Top Healthcare can be served with process via John A Mahaney IV ("Mahaney"), 600
19 Fairway Dr suite 108, Deerfield, FL 33441.

20 The State of Florida shows that John Mahaney is the Authorized Person for Top
21 Healthcare. A Florida State corporate filing for Top Healthcare shows lists phone number (954)

22
23 ¹ <https://secure.utah.gov/agent-search/organizationDetails.html?agent=yLpjYodWB6>

24 ² <https://secure.utah.gov/agent-search/agentDetails.html?agent=gkORoD3VBZ>

1 234-1613, and a Utah State insurance agent registration page for John Arthur Mahaney also lists
 2 phone number (954) 234-1613. That same Utah insurance agent page shows that Mahaney is also
 3 affiliated with Golden Rule Insurance Company³.

4 On the phone, the Defendants Sopi Financial LLC and Top Healthcare Solutions LLC
 5 refer to themselves as “The Health Center”, “The Health Enrollment Center”, and “The National
 6 Health Enrollment Center” and small variations on these words.

7 None of these names are registered going concerns in Texas or Florida.

8 III. BASIS FOR JURISDICTION

9 Plaintiff Nathen Barton is a natural person and resident of Clark County, Washington. All
 10 the acts alleged in this complaint occurred in Clark County, Washington State, during the year
 11 2021.

12 Jurisdiction in this court is correct because of where Plaintiff resides, and his residence is a
 13 nexus where Plaintiff suffered personal injury and invasion of privacy at the hands of the
 14 Defendants. As the complaint will flesh out, most of the callers either expected that Plaintiff
 15 lived in zip code 98684, or learned that during the call, and continued the conversation. As the
 16 telephone callers, they avail themselves of doing business in this County, and they should expect
 17 to be subject to the jurisdiction of this Court.

18 Washington State has long held that a party availing themselves of the privilege of
 19 conducting activities inside of Washington State is subject to the jurisdiction of Washington
 20 State. See *Cofinco of Seattle, Ltd. v. Weiss*, 25 Wash.App. 195, 196, 605 P.2d 794 (1980).

21 The Defendants need not physically visit Washington. The internet and the telephone
 22 allow anyone in one state to do business in all others. In a case decided before “internet” was a
 23

24 ³ <https://secure.utah.gov/agent-search/agentDetails.html?agent=5vQPRmO9py>

1 word, our Washington Supreme Court recognized that jurisdiction may be established by
2 “affirmative acts taking place here by which the out-of-state resident overtly submits to
3 jurisdiction”. *Griffiths & Sprague Stevedoring Co. v. Bayly, Martin & Fay, Inc.*, 71 Wash.2d
4 679, 684, 430 P.2d 600 (1967) quoting *Quigley v. Spano Crane Sales & Serv., Inc.*, 70 Wn.2d
5 198, 422 P.2d 512 (1967).

6 The Defendants initiated or incentivized others to initiate phone call solicitations to
7 Plaintiff and other residents of Washington State, and they a significant fraction of the phone
8 calls would be to Washington State residents, establishing jurisdiction here. *Nixon v. Cohn*, 62
9 Wn.2d 987, 385 P.2d 305 (1963)).

10 All the telemarketing calls alleged in this complaint were made to one specific 469-area
11 code cell phone with a phone number that is assigned to Plaintiff in exchange for a monthly
12 service fee.

13 Plaintiff is suing in part under federal statute the Telephone Consumer Protection Act of
14 1991, known as the TCPA, giving rise to a lawsuit that may be brought in Federal Court pursuant
15 to *Mims v. Arrow Fin. Services, LLC*.

16 IV. STATEMENT OF CLAIM

17 Plaintiff pays for and uses his 469 area code cell phone for completely non-commercial
18 purposes. The phone is and was on a very limited service plan, with each call, text, or data usage
19 subtracting from a fixed amount of each available each month.

20 Any times listed are Pacific Standard Time.

21 The cell phone number at issue was registered on the FTC national *do-not-call* registry
22 more than 31 days before all calls at issue in this Complaint.

1 At no time relevant to this lawsuit did Plaintiff invite or consent to any solicitation calls for
2 medical insurance. All the calls the Defendants initiated to Plaintiff was for the purpose of
3 encouraging Plaintiff to purchase goods or services.

4 **Unsolicited Telemarketing Call #1 & #2**

5 On May 3, 2021, Plaintiff received a phone call from (469) 743 8725. A lady introduced
6 herself with "Hi this is Leah I'm calling in regards to affordable health care are you insured
7 now?" She started asking health insurance related questions and said she had options that would
8 save money.

9 Eventually Leah joined a man to the call and he introduced himself with "Hi this is
10 Phillip I'm going to be the licensed agent assisting you". Leah said in response "Hi this is the
11 Health Center I have Nathen on the other line". Barton told Phillip that he didn't want to talk,
12 and Phillip said he would text Barton his toll free number, and he did, texting "866 439 6595 ext
13 160" from phone number (213) 205-5719. Barton ended the call without consenting to further
14 calls.

15 If you call (213) 205-5719 after hours, a lady's voice will say "Thank you for calling The
16 Health Center".

17 If you call (866) 439-6595 after hours, a lady's voice will say "Thank you for calling The
18 Health Center".

19 As of 11/19/2021, phone number (469) 743 8725 is not in service.

20 **Unsolicited Telemarketing Call #3**

21 At 8:36am on May 4, 2021, Plaintiff received a phone call from (469) 743 8725. An
22 unidentified man introduced himself with "I'm calling in reference to an application for health
23 insurance".

1 Then he started asking health insurance related questions, and asked for Barton's name.
 2 Barton asked the unidentified man if this call was related to the previous day's call, and the man
 3 confirmed that it was.

4 Eventually the unidentified man put a "Frank" on the line, and Frank continued asking
 5 health insurance questions and medical questions. Frank put Barton on hold, and Barton waited
 6 a long time for Frank to return to the phone.

7 Frank claimed he worked for "The Health Center", he emphasized each word. However
 8 this is a fictitious name. "The Health Center" is not a legitimate company or doing-business-as
 9 in Florida or Texas . Up until this point, none of the callers had identified who they worked for,
 10 or who they were calling on behalf of.

11 As part of the sales pitch, the caller sent a text message from (949) 288-2906. It was
 12 advertising a link to a *alhealthcare.com*.

13 Eventually, the caller revealed that they are or represent Adroit Health Group with
 14 website *adroithealthgroup.com*. The website gives the address of PO Box 310, McKinney TX
 15 75070. This entity also uses the *dba* Strata Health Group and they are known to the Better
 16 Business Bureau, with *webpage bbb.org/us/tx/mckinney/profile/insurance-agency/strata-health-*
 17 *group-0875-90799591* As of 11/19/2021, the number (469) 743 8725 is no longer in service.

18 Telemarketing Call #4

19 To get the defendants to reveal who they are, Barton played along to get their names. On
 20 5/7/2021, Frank called Barton from (469) 351-5779. Barton told Frank that he was not interested
 21 in buying anything, asked Frank to add Barton's number to their do-not-call list, and hung up.

22 As of 11/19/2021, the number is not in service.

23 Unsolicited Telemarketing Call #5

1 On May 21, 2021, Plaintiff received a phone call from (469) 743-8737. The caller was a
2 lady's voice reading off a script "Hi this is Jen at The Health Center I see a recent application for
3 health coverage and I have some very affordable options for you, give me a call back at (855)
4 352-3282 so I can assist you today" and then the caller ended the call.

5 On 11/18/2021, Plaintiff called (855) 352-3282 and a lady answered who said she was
6 with "The Health Center" and she would help Plaintiff find health insurance options in the State
7 of Washington.

8 If you call this (469) 743-8737 number back after hours, it will play music matching the
9 "on hold" music The Health Enrollment Center plays when callers are on hold.

10 If you call this (855) 352-3282 number back after hours, it will play music matching the
11 "on hold" music The Health Enrollment Center plays when callers are on hold.

12 **Unsolicited Telemarketing Call #6**

13 On June 10, 2021, Plaintiff received a phone call from (469) 743-8737. A lady started
14 talking with "Hi Nathan this is Jen I'm calling in regards to affordable health care are you
15 insured now"? Jen then started asking health insurance questions, and eventually she said she
16 would "transfer you to a senior agent in your state" who in this case turned out to be "James"
17 with the "Health Registration Department". James asked for Barton's zip code and Plaintiff told
18 him it was 98684. Based on that zip code, James said he had to transfer Barton to "another
19 department" and then a "Charlie Calvin" got on the line from "The Health Enrollment Center".
20 And then Charlie ended the call or the call ended.

21 On 11/18/2021, Barton called (469) 743-8737 and a lady answered the phone as "The
22 Health Center".

23 If you call this number back after hours, it will play music matching the "on hold" music
24 The Health Enrollment Center plays when callers are on hold.

Unsolicited Telemarketing Call #7 & #8

On July 8, 2021, Plaintiff received a phone call from (469) 780-8608. A man started talking with "Hi Nathan this is John I'm calling in regards to affordable health care are you insured now"? John then started asking Plaintiff health insurance questions.

Eventually John said he would transfer the call to "A senior agent in your state" which in this case was a man named "Frank". In transferring the call, John said to Frank "oh hi this is The Health Center, I have Nathen on the line". Frank seemed to know who John was. John said he was a licensed health insurance specialist.

Frank asked what state and zip code Barton lived in, and Barton told him Washington State and 98684. Frank said he had to get Barton over the department that could "help you out in your State" and a "Matthew" got on the line. Matthew said "I am with the Health Enrollment Center".

Barton ended the call, without consenting to more calls, to answer a call from 469 421 6483. It was the Health Enrollment Center calling. Barton told the 6483 people that he was just on the phone with the "Health Enrollment Center" and ended that call to answer a call from "Health Enrollment Center". Plaintiff ended up explaining again that Barton lived in Washington, and the man on the phone said that The Health Enrollment Center didn't offer products in Washington and the man ended the call.

As of 11/22/2021, the number (469) 780-8608 is not in service.

Unsolicited Telemarketing Call #9

On July 9, 2021, Plaintiff received a phone call from (469) 421- 6483. A lady started talking with "Health Enrollment Center this is Nancy how can I assist you?" to which Plaintiff replied "Well you called me". Nancy said that she was calling about a health insurance

1 application, and start started asking Barton insurance questions, and she already knew Plaintiff
2 lived in Washington State.

3 Nancy then connected a "Lavon" to the call, and he said he was a licensed agent. Once
4 again, Lavon revealed that they are or represent Adroit Health Group with website
5 *adroithealthgroup.com*. Lavon gave his number, 866 439 6595. This number is registered to
6 Flamur Sopi with address 9506 SW 1st Court, Coral Springs, FL 33071. If you call that number,
7 an automated voice menu will answer as "The Health Center". On 11/18/2021, Barton called
8 that 6595 number and after reaching a customer service agent, said he was looking for Strata
9 Health Group. The lady explained that Strata Health group is the benefits administrator for The
10 Health Center"

11 If you call this (469) 421- 6483 phone number after house, a lady's voice says "We are
12 currently closed, please try your call again later" and hangs up. All the after hours calls that give
13 this message are from the same recording. If you call during business hours, the person who
14 answered on 11/22/2021 answered as "This is Joe with the Health Enrollment Center".

15 **Telemarketing Call #10**

16 Later that same day, on July 9, 2021, Plaintiff received a phone call from (469) 421-
17 6483. A lady spoke, introducing herself with "This is Sheryl with the Health Center". She
18 started asking health insurance insurance questions. Plaintiff asked Sheryl to please put Barton
19 on her do-not-call list. Sheryl replied "Yes I can" and the call lasted under a minute. The call
20 ended at 12:09pm. If you call this phone number after house, a lady's voice says "We are
21 currently closed, please try your call again later" and hangs up. All the after hours calls that give
22 this message are from the same recording.

23 If you call during business hours, the person who answered on 11/22/2021 answered as
24 "This is Joe with the Health Enrollment Center".

Telemarketing Call #11

Later that same day, on July 9, 2021, Plaintiff received a phone call from (469) 421-6483. A man introduced himself with "It's Lavon again", and it was the caller from earlier that same morning. Plaintiff told Lavon that he wasn't interested in any products from Lavon's company and Barton said to Lavon "I wish for you to put me on the do-not-call list" to which Lavon said "That's not a problem". The call ended at 12:24PM.

If you call this phone number after house, a lady's voice says "We are currently closed, please try your call again later" and hangs up. All the after hours calls that give this message are from the same recording.

If you call during business hours, the person who answered on 11/22/2021 answered as "This is Joe with the Health Enrollment Center".

Unsolicited Telemarketing Call #12

On July 21, 2021, Plaintiff received a phone call from (469) 743-8737. The caller was a lady's pre-recorded or artificially generated voice reading off a script that included "Do you have high deductibles, do you have existing conditions, with our open enrollment PPO plan, you are covered from day one. And receive coverage for unlimited doctor visits, emergency room, hospitalization, surgery, dental, prescription, and more, with no deductibles". There was no actual person on the phone and she asked Plaintiff to type a key on the phone to talk to a live person. Plaintiff hung up.

If you call this number back after hours, it will play music matching the "on hold" music. The Health Enrollment Center plays when callers are on hold.

If you call during business hours, the person who answered on 11/22/2021 answered as "The Health Center".

Telemarketing Call #13

1 On July 9, 2021, Plaintiff received a phone call from (205) 570- 6023. A lady started
2 talking with "My name is Kiersten and I'm with the National Health Enrollment Center".
3 Plaintiff asked "can you put me on your do not call list" to which she replied 'no problem" and
4 the call only lasted about 30 seconds.

5 **Telemarketing Call #14**

6 On August 2, 2021, Plaintiff received a phone call from (469) 780-8640 at 7:04AM. The
7 caller was a lady from "The Health Center" and Barton asked her to put Barton's number on her
8 do-not-call list. The call lasted 50 seconds.

9 **Unsolicited Telemarketing Call #15**

10 Later that same day, Plaintiff received a phone call from (352) 796-3337. The caller was
11 a lady's pre-recorded or artificially generated voice reading off a script that included "Do you
12 have high deductibles, do you have existing conditions, with our open enrollment PPO plan, you
13 are covered from day one. And receive coverage for unlimited doctor visits, emergency room,
14 hospitalization, surgery, dental, prescription, and more, with no deductibles". There was no
15 actual person on the phone and she asked Plaintiff to type a key on the phone to talk to a live
16 person. Eventually a man said "Hi this is John with the Health Enrollment Center" and Plaintiff
17 ended the call.

18 **Telemarketing Call #16**

19 On August 24, 2021, Plaintiff received a phone call from (469) 780-1660 at 7:20AM. A
20 man started talking with "This is Rick I'm following up to help your search for affordable
21 healthcare". And then he started asking health insurance questions.

22 As part of the conversation Plaintiff told Rick that Barton lived in Washington. "Not a
23 problem" Rick said. He continued "I'm with the Health Center and they are located in Ft.
24 Lauderdale however they have national plans".

1 Rick then connected a "Bill" to the call, and just after connecting Bill, Rick said "Hi this
 2 is the Health Center and I have Nathen on the line". Bill then continued asking health insurance
 3 questions, including asking what Barton's zip was, to which Barton replied "98664". Eventually
 4 Bill suddenly hung up on Plaintiff. Plaintiff did not consent to receiving more calls.

5 Barton called (469) 780-1660 back and again asked Frank who answered the phone to put
 6 Barton on their do not call list. Frank argue back and joined another person on the line to
 7 continue arguing with Barton. Frank left the call. Eventually the lady Sharisa got off the call but
 8 left the line open, and eventually Barton hung up.

9 **Unsolicited Telemarketing Calls #17 & #18**

10 On October 15, 2021, Plaintiff missed two calls from (469) 481-1764. The first missed
 11 call was at 11:18AM, and the second was at 12:33PM. Later Plaintiff would learn these calls
 12 were from The Health Center and were placed to encourage Plaintiff to purchase health care
 13 insurance.

14 **Unsolicited Telemarketing Call #19**

15 On October 15, 2021, Plaintiff missed a call from (469) 842-8598 at 10:06am. Later
 16 Plaintiff would learn this call was from The Health Center and was placed to encourage Plaintiff
 17 to purchase health care insurance. Plaintiff was able to learn the call was from The Health
 18 Center when they called back a few days later using this phone number.

19 **Unsolicited Telemarketing Call #20**

20 On October 15, 2021, Plaintiff received a phone call from (469) 864-7829 at 7:57AM. A
 21 man started talking with "Hi this is Jeramiah are you looking for an individual or a family plan".
 22 Plaintiff asked who was called and the answer was "This is Jeramiah with the National Health
 23 Enrollment Center". Plaintiff asked if they were actually Affordable Insurance Group and at that
 24 question Jeramiah hung up on Plaintiff.

Unsolicited Telemarketing Call #21

At 9:23am of the same day, October 15, 2021, someone called again from the same number, (469) 864-7829. The man introduced himself with "I'm responding to an application you submitted for health insurance". He asked a health insurance question and Barton said "May I ask who's calling" and the unidentified man said "My name's David Sullivan and I'm with National Enrollment Center". Plaintiff asked David if he was Affordable Insurance Group and Daniel said "no". Barton said he wasn't interested and hung up.

Unsolicited Telemarketing Call #22

At 9:06am of the same day, October 15, 2021, Plaintiff received a call from the phone number, (469) 884-6287. The man introduced himself with "Hey this is Josh I'm responding to an application you submitted for health insurance". Barton said "May I ask who's calling" and the man said "My name's Josh with the Health Enrollment Center". Plaintiff asked Josh if he was the Affordable Insurance Group several times, and Josh kept saying he was with the Health Enrollment Center. Plaintiff said he wasn't interested and Josh got off the line, but didn't hang up for another minute.

Unsolicited Telemarketing Call #22

On October 19, 2021, Plaintiff received a call from (469) 894-2651. A man answered the phone with "Hay this is David I'm responding to your application for health insurance". David went on to ask medical and medical insurance questions. David asked for Plaintiff's zip code to which he replied "98684". David asked for the zip code twice, and Plaintiff gave him the same answer both times.

David joined a "Benjamin" to the call. The phone number matches other calls that The Health Center placed to Plaintiff's phone number, and the music matches the other calls from The Health Center.

Unsolicited Telemarketing Call #22

On October 19, 2021, Plaintiff received a call from (469) 842-8598 at 7:45am. A man answered the phone with "Hi this is Jeramiah are you looking for an individual or a family plan" and then he went on to ask medical insurance questions.

He asked for Plaintiff's state and zip code, to which Plaintiff answered "Washington" and "98684". Plaintiff recognized his voice from a call a few days earlier when he said he was calling from the National Health Enrollment Center. Eventually the Jeramiah hung up on Plaintiff.

Unsolicited Telemarketing Calls #23

On October 19, 2021, Plaintiff missed a call from (469) 842-8598 at 11:53am. This is the same phone number that "Jeramiah" from the National Health Enrollment Center earlier in the day. They were calling to encourage the purchase of medical insurance.

Unsolicited Telemarketing Calls #23

On October 19, 2021, Plaintiff missed a call from (469) 310-8823 at 1:58pm. The next day, the National Health Enrollment Center used this number to call Plaintiff and Plaintiff identified them during that call. They initiated the call on the 19th to encourage the purchase of medical insurance.

Unsolicited Telemarketing Calls #23

On October 19, 2021, Plaintiff missed a call from (469) 481-1764 at 10:41am. This is the same phone number that "Connor Whitaker" from the Health Enrollment Center would call from later in the day. They were calling to encourage the purchase of medical insurance.

Unsolicited Telemarketing Calls #24

On October 20, 2021 at 11:04am, Plaintiff received a call from (469) 481-1764. The man who answered introduced himself with "Hello this is Connor Whitaker with The Health

1 Enrollment Center". Plaintiff replied "Can you put me on your do-not-call list?". Connor
2 replied "Yep".

3 **Unsolicited Telemarketing Call #23**

4 On October 20, 2021 at 9:59am, Plaintiff received a call from (469) 894 2606. The man
5 who answered introduced himself with "Hello this is Torn responding to the application you
6 submitted for health insurance". Plaintiff responded "Can you put me on your do not call list",
7 to which Torn started arguing.

8 Eventually Torn hung up. Given the "script" Torn was following, Plaintiff recognized
9 that Torn was calling from The Health Center to encourage the purchase of health insurance.

10 **Unsolicited Telemarketing Call #23**

11 On October 20, 2021, Plaintiff received a call from (469) 310 8823. The man who
12 answered introduced himself with "Hey this is Nick responding to the application you submitted
13 for health insurance". Nick went on to ask health and health insurance related questions, and
14 Nick asked for Plaintiff's zip code to which Barton answered "98684".

15 Eventually Nick revealed that he personally worked for Top Healthcare Solutions, which
16 is in the Fort Lauderdale area. But he was calling to sell a health plan for Adroit Health Group.

17 He went through the exact same sales pitch as the before when a caller was selling health
18 insurance plans for Adroit Health Group LLC. Nick told Plaintiff that the phone number for
19 Nick's company was (866) 825-9890. If you call (866) 825-9890 after hours, an answering
20 service says "Thank you for calling The Health Center where we make shopping for health
21 insurance fun and easy".

22 **Defendants are Unlicensed Commercial Telephone Solicitors**

23 RCW 19.158.020 says:

1 (1) A "commercial telephone solicitor" is any person who engages in commercial
2 telephone solicitation

3 (2) "Commercial telephone solicitation" means:

4 (a) An unsolicited telephone call to a person initiated by a salesperson and
5 conversation for the purpose of inducing the person to purchase or invest in
6 property, goods, or services;

7 RCW 19.158.050(1) says in part:

8 "In order to maintain or defend a lawsuit or do any business in this state, a commercial
9 telephone solicitor must be registered with the department of licensing."

10 Although RCW 19.158.050(3) says "The department of licensing shall issue a
11 registration number to the commercial telephone solicitor.", in practice this Commercial
12 Telephone Solicitor "registration number" appears as an endorsement on the business license
13 issued by The Washington State Department of Revenue.

14 Adroit is registered to do business in Washington State, but does not have this
15 endorsement on their business license. Top Healthcare and Sopi are not registered to do any
16 business in Washington State, thus they does not have this endorsement on their not-existing
17 Washington State business license, and they acted as unlicensed commercial telephone solicitors.

18 **Defendants are Annoying the Public**

19 These illegal calls caused annoyance, intrusion on privacy and seclusion, and wasted time
20 to Plaintiff. Plaintiff received tons of calls and robocalls that did not need and did not want.

21 **V. RELIEF**

22 **Federal Law**

23 **TCPA 47 U.S.C. 227**

24 Plaintiffs phone number at issue was at all relevant times registered on the FTC *do-not-*
call list more than 30 days before the alleged solicitations. Plaintiff does not have any

1 relationship with the Defendants by which they could legally phone solicit Plaintiff for any
2 reason.

3 Defendants violated the regulations governing the TCPA, 47 C.F.R § 64.1200, and TCPA
4 47 U.S.C. 227(c) by calling or texting Plaintiff's cellular telephone number without invitation or
5 consent when that number was registered on the FTC's do-not-call list more than 30 days prior to
6 each call.

7 47 U.S.C. 227(b) – Restrictions on the use of automated telephone equipment – says:

8 (1) PROHIBITIONS.—It shall be unlawful for any person within the United
9 States, or any person outside the United States if the recipient is within the United
10 States—

11 (A) to make any call (other than a call made for emergency purposes or made
12 with the prior express consent of the called party) using any automatic
13 telephone dialing system or an artificial or prerecorded voice—

14 (iii) to any telephone number assigned to a paging service, cellular
15 telephone service, specialized mobile radio service, or other radio
16 common carrier service, or any service for which the called party is
17 charged for the call;

18 Defendants violated 47 U.S.C. 227(b) by calling Plaintiff's cellular telephone number
19 without consent, while using an artificial or prerecorded voice.

20 RICO 18 U.S.C. § 1962

21 Sopi and Top Healthcare knowingly operate a joint business venture illegally soliciting
22 medical insurance in violation of state and federal telemarketing laws. On behalf of Sopi and
23 Top Healthcare, multiple agents named above repeatedly and knowingly acted as unlicensed
24 Commercial Telephone Solicitors as a regular way of conducting their joint venture's ongoing
business in Washington State.

Sopi and Top Healthcare engages in interstate commerce.

Sopi and Top Healthcare have no reason to treat Plaintiff differently than any other
consumer, and it is reasonable to believe Sopi and Top Healthcare intend to continue acting as
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1 unlicensed Commercial Telephone Solicitors, and will continue to place illegal solicitation calls,
2 in an open-ended pattern of racketeering activity.

3 Sopi and Top Healthcare's agents acted to conceal Sopi and Top Healthcare's true
4 identities, demonstrating knowledge that their actions are illegal and could have consequences.
5 Sopi and Top Healthcare's telephone sales agents could not know to do this on their own, the
6 companies must be instructing them through telephone scripts.

7 **Washington State Law**

8 **RCW 19.158**

9 Defendants were not registered as Commercial Telephone Solicitors with the Washington
10 State Department of Licensing when any of the solicitation calls were placed to Plaintiff, in
11 violation of RCW 19.158.050(1).

12 Defendants violated Washington State RCW 19.158.150 times by soliciting Plaintiff on
13 his cell phone while they were not registered on with the Washington State Department of
14 Licensing as Commercial Telephone Solicitors, or while working on behalf of an unregistered
15 Commercial Telephone Solicitor.

16 Washington State RCW 19.158.110(1) says:

17 Within the first minute of the telephone call, a commercial telephone solicitor or
18 salesperson shall:

- 19 (a) Identify himself or herself, the company on whose behalf the solicitation is
20 being made, the property, goods, or services being sold;

21 The Defendants did not identify a legitimate company name in the first 60 seconds of
22 many calls Defendants initiated to Plaintiff, and there was conversation.

23 Washington State RCW 19.158.110(2) says:

24 If at any time during the telephone contact, the purchaser states or indicates that he or she

1 does not wish to be called again by the commercial telephone solicitor or wants to have
2 his or her name and individual telephone number removed from the telephone lists used
by the commercial telephone solicitor:

3 (a) The commercial telephone solicitor shall not make any additional commercial
4 telephone solicitation of the called party at that telephone number within a period of at
least one year;

5 The Defendants called Plaintiff within a period of one year after Plaintiff asked for
6 Plaintiff's number to be removed from the telephone lists used by Defendants.

7 **RCW 80.36.390(2)**

8 Washington State RCW 80.36.390(2) says

9 A person making a telephone solicitation must identify him or herself and the company or
10 organization on whose behalf the solicitation is being made and the purpose of the call
within the first thirty seconds of the telephone call.

11 In many solicitation calls the Defendants failed to identify the company behind the
12 solicitation within the first 30 seconds of the phone call.

13 **RCW 80.36.390(3)**

14 Washington State RCW 80.36.390(3) says:

15 If, at any time during the telephone contact, the called party states or indicates that he or
16 she does not wish to be called again by the company or organization or wants to have his
17 or her name and individual telephone number removed from the telephone lists used by
the company or organization making the telephone solicitation, then:

18 (a) The company or organization shall not make any additional telephone solicitation of
19 the called party at that telephone number within a period of at least one year;

20 Plaintiff asked Defendants to not be called again, and Defendants called Plaintiff many
21 more times after this request.

22 **RCW 80.36.400**

23 Washington State RCW 80.36.400(2) states:

1 "No person may use an automatic dialing and announcing device for purposes of
2 commercial solicitation. This section applies to all commercial solicitation intended to be
received by telephone customers within the state."

3 Defendants violated Washington State RCW 80.36.400(2) nine (9) times by calling
4 Plaintiff's cellular telephone number without consent, while using an automatic dialing and
5 announcing device for commercial solicitation.

6 RCW 80.36.400 defines "Commercial solicitation means the unsolicited initiation of a
7 telephone conversation for the purpose of encouraging a person to purchase property, goods, or
8 services."

9 **Treble Damages**

10 Plaintiff believes the record shows that Defendants' violations of the law were willful or
11 knowing. They were asked many times to place Plaintiff on their do-not-call list and they
12 knowingly give out fake business names to hide their identity.

13 Therefore, Plaintiff asks for treble damages under TCPA 47 U.S.C. 227(c)(5), TCPA 47
14 U.S.C. 227(b)(3), and the presumption that violations of Washington State RCW 19.158 and
15 RCW 80.36.400 triple damages under the Washington State Unfair Business Practices Act RCW
16 19.86.

17 **Injunctive Relief**

18 TCPA 47 U.S.C. 227(b)(3)(A) and 47 U.S.C. 227(c)(5)(A) allows "an action based on a
19 violation of the regulations prescribed under this subsection to enjoin such violation"

20 Washington State RCW 80.36.390(6) says:

21 A person aggrieved by repeated violations of this section may bring a civil action
22 in superior court to enjoin future violations, to recover damages, or both.

1 Plaintiff is not unique – he simply had the misfortune to be targeted by Defendants' mass
2 calling machine. It is reasonable to believe that Defendants have done this many times in the
3 past and will continue harming the residents of this State and other States in the future.

4 Plaintiff asks this Court to enjoin the Defendants from further violations of State and
5 Federal telemarketing laws.

6 **All other Possible Damages**

7 Plaintiff prays for all possible damages, in law and in equity, statutory, real, and punitive,
8 that he might be entitled too. Such damages could be but are not limited to court costs and
9 attorney fees.

10
11 I declare under penalty of perjury under the laws of the state of Washington that the
12 foregoing is true and correct.

13 Signed at Vancouver, WA on 11/22/2021

14 
15 (Nathen Barton)

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